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21 **UNITED STATES BANKRUPTCY COURT**
22 **DISTRICT OF NEVADA**

23 In re:

24 USA COMMERCIAL MORTGAGE
25 COMPANY,

26 USA CAPITAL REALTY ADVISORS,
27 LLC,

28 USA CAPITAL DIVERSIFIED TRUST
29 DEED FUND, LLC,

30 USA CAPITAL FIRST TRUST DEED
31 FUND, LLC,

32 USA SECURITIES, LLC, Debtors.

33 **Affects:**

34 All Debtors
35 USA Commercial Mortgage Company
36 USA Capital Realty Advisors, LLC
37 USA Capital Diversified Trust Deed Fund, LLC
38 USA Capital First Trust Deed Fund, LLC
39 USA Securities, LLC

40 Case No. BK-S-06-10725-LBR
41 Case No. BK-S-06-10726-LBR
42 Case No. BK-S-06-10727-LBR
43 Case No. BK-S-06-10728-LBR
44 Case No. BK-S-06-10729-LBR

45 **CHAPTER 11**

46 Jointly Administered Under Case No.
47 BK-S-06-10725 LBR

48 **MOTION FOR ORDER REQUIRING**
49 **TANAMERA/RORIPAUGH, LLC TO**
50 **PRODUCE ONE OR MORE**
51 **REPRESENTATIVES FOR**
52 **EXAMINATION PURSUANT TO**
53 **FEDERAL RULE OF**
54 **BANKRUPTCY PROCEDURE 2004**

55 [No hearing required]

56 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating
57 Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring
58 Tanamera/Roripaugh, LLC ("Tanamera/Roripaugh") to produce one or more
59 representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy
60 Procedure 9016, to appear for examination at the office of Lewis and Roca LLP, 3993
61

1 Howard Hughes Parkway, Suite 600, Las Vegas, Nevada 89169, on a business day no
2 earlier than ten (10) business days after the filing of this Motion and no later than
3 November 15, 2007, or at such other mutually agreeable location, date, and time, and
4 continuing from day to day thereafter until completed.
5

6 This Motion is further explained in the following Memorandum.

7 **Memorandum**

8 The Movant seeks information concerning various transactions between
9 Tanamera/Roripaugh and USACM, the other debtors in the above-captioned cases
10 (together with USACM, the "Debtors"), and the Debtors' affiliates, subsidiaries, parents,
11 or otherwise related entities. The Movant seeks this information to assist in the collection
12 of the assets and the investigation of the liabilities of the Debtors.
13

14 The requested discovery from Tanamera/Roripaugh is well within the scope of
15 examination permitted under Bankruptcy Rule 2004, which includes:
16

17 [t]he acts, conduct, or property or . . . the liabilities and financial condition
18 of the debtor, or . . . any matter which may affect the administration of the
19 debtor's estate, or to the debtor's right to a discharge. In a . . .
20 reorganization case under chapter 11 of the Code, . . . the examination may
21 also relate to the operation of any business and the desirability of its
continuance, the source of any money or property acquired or to be acquired
by the debtor for purposes of consummating a plan and the consideration
given or offered therefore, and any other matter relevant to the case or to the
formulation of a plan.¹

22
23 **Conclusion**

24 Accordingly, the Movant requests that this Court enter the form of order submitted
25 with this Motion.
26

¹ FED.R. BANKR. P. 2004(b).

1 Dated: September 12, 2007.

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